

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 201 of 2005

Between:

P.Varada Raja Kumar, S/o.Rama Rao, Hindu,
D.No.17/15, Edepalli Villages, Machilipatnam,
Krishna Dist.

..... PETITIONER

AND

The Regional Manager, APSRTC, Vijayawada Region,
Vijayawada, Krishna Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the respondent in issuing proceedings No. W1/797(1)/2004 RM/K dt.10-12-2004 rejecting the tender of the petitioner and consequential action of issuing tender notification No.W1/797(1)/2004/RM/K dated 29-12-2004 published in Eenadu telugu daily dated 3-1-2005 as arbitrary, illegal and contrary to law and violation of fundamental rights guaranteed to the petitioner under Articles 14 and 19 of the Constitution and also has the effect of violating the constitutional guarantee guaranteed under Article 300-A of the Constitution and issue consequential direction to the respondent to award the license for shop No. 7 in the Machilipatnam Bus Station.

Counsel for the Petitioner: MR.SIVALENKA RAMACHANDRA PRASAD

Counsel for the Respondent: MR.R.MANMADHA REDDY (SC FOR APSRTC)

The Court at the admission stage made the following:

ORDER:

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This writ petition is filed by the petitioner aggrieved by the action of the respondent in issuing a notification calling for fresh tenders with reference to the construction of shops under the scheme called 'Demand, Operate and Transfer' (DOT).

2. According to the petitioner, he was the highest bidder for the shop, therefore, the respondents ought to have awarded the work to the petitioner. However, in the process of negotiations, the negotiation committee fixed a higher amount, which was not accepted by the petitioner. Therefore, the action of the respondents in not accepting the offer of the petitioner is illegal and without jurisdiction, and consequently, the fresh tender notification issued is illegal and sought for quashing of the notification calling for fresh tenders.

3. On instructions, it is represented by the learned Standing Counsel appearing for the respondents though original tenders were called for under the DOT scheme, the offers given were very low. Therefore, they called the tenderers for negotiations. Even in the negotiations also the petitioner offered only Rs.1500/-, which was highest, and the same was not accepted by the tender committee. Therefore, the tender committee recommended for calling fresh tenders, and accordingly, fresh notification was issued calling for fresh tenders. Therefore, there is no illegality or irregularity in issuing the notification calling for fresh tenders.

4. Heard both sides and considered the material on record.

5. The petitioner is only one of the tenderers for allotment of a shop under the DOT Scheme. He has no right to claim for allotment when his tender was not accepted as reasonable by the tender committee. It is always open for the Corporation to reject it and to call for fresh tenders. It is not the case of the petitioner that the shop was allotted to another tenderer, who offered lower amount than the petitioner. When fresh tenders are called for, it is always open for the petitioner also to participate in the fresh tender notification and to give his offer. Therefore, there is no merit warranting interference with the impugned notification issued by the corporation calling for fresh tenders. Hence, the writ petition is devoid of merits and is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. No order as to costs.

S.ANANDA REDDY, J

15th July, 2005

SKM

Copy to:

1 The Regional Manager, APSRTC, Vijayawada Region,

Vijayawada, Krishna Dist.

2 Two C.D. Copies.